

In The United States District Court
For The
District Of Massachusetts

FILED
CLERK'S OFFICE

U.S. DISTRICT COURT
DISTRICT OF MASS.

Michael A. Josey, Pro-se,
Plaintiff,

VS.

Civil Action

No. _____

Elizabeth Childs, M.D.
individually and in her
Official capacity as
Commissioner Of The
Department Of Mental
Health,

05 cv 11787 RGS

MAGISTRATE JUDGE Bender

Defendant,

Harry Ford, M.D.,
individually and in
his Official capacity

as a licensed Psychiatrist
by the State Board and
employee of the Department
Of Mental Health,
Defendant,

John Doe, number 1,
Defendant,

John Doe, number 2,
Defendant,

John Doe, number 3,
Defendant,

John Doe, number 4,
Defendant,

John Doe, number 5,
Defendant,

John Doe, number 6,
Defendant,

John Doe, number 7,
Defendant,

John Doe, number 8,
Defendant,

John Doe, number 9,
Defendant,

John Doe, number 10,
Defendant,

John Doe, number 11
Defendant,

John Doe, number 12,
Defendant.

COMPLAINT

I. Jurisdiction:

1.) Jurisdiction of this Honorable Court is invoked pursuant to Title 42 U.S.C.A. § 1983. This is a Civil Action seeking to redress a deprivation of Rights, Privileges and Immunities secured citizens of the United States under the United States Constitution, Massachusetts Constitution, Statutes, Court Decisions and other sources of Law. Brought by the Plaintiff, Michael A. Josey, Pro-se, also sought is

compansatory damages, punitive damages and nominal damages in the amount of \$12,000,000.00 and a trial by jury.

II. Parties:

2.) The Plaintiff, Michael A. Josey, is Pro-se, a homeless person unemployed without an income or any funds who obtained a Bachelor Degree in Paralegal Studies from Suffolk University and a certificate in Paralegal from Bunker Hill Community College.

3.) The Defendant, Elizabeth Childs, M.D., is the

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Commissioner Of The Massachusetts Department Of Mental Health, (Executive Office Of Health and Human Services) and under the doctrine of Respondent/Superior can be held liable for the conduct of an employees employed by The Department Of Mental Health.

4.) The Defendant, Harry Ford, M.D., is a duly licensed Psychiatrist by the Board and an employee of the Department Of Mental Health (Solomon Carter Fuller Mental Health Center and Massachusetts General Hospital) (Please read exhibit A attached and hereby made part of this

Complaint being filed in the United States District Court) as such his duties are created and established under law and does not have more authority than his Superior the Commissioner of Mental Health or this Court but should be held subject to follow the laws of and as documented.

5.) The Defendant, John Doe, number 1, will be named at a later date.

6.) The Defendant, John Doe, number 2, will be named at a later date.

7.) The Defendant, John Doe, number 3, will be named at a later date.

8.) The Defendant, John Doe, number 4, will be named at a later date.

9.) The Defendant, John Doe, number 5, will be named at a later date.

10.) The Defendant, John Doe, number 6, will be named at a later date.

11.) The Defendant, John Doe, number 7, will be named at a later date.

12.) The Defendant, John Doe, number 8, will be named at a later date.

13.) The Defendant's John Doe, numbers (9), number (10), number (11), and number (12) will be named at a later date.

III. Statement Of Facts:

14.) One night in June or July of 2005, after 12 mid night the Plaintiff was standing on Washington Street, because the homeless shelter was full (which means one has to stay outside all night) a police car pulled up, the Officer in the vehicle shined the over head spot light on the Plaintiff and told him "what about the boys" and then said "you hit someone in the head" and another police car pulled up on the Plaintiff and then both cars left.

15.) This happened shortly after the Plaintiff began handing

out a letter concerning Dr. Harry Ford's actions while the Plaintiff was a patient at Solomon Carter Fuller Mental Health Center (See Exhibit-A) and prior to the Plaintiff being set up in 1998 and Arrested for Arson individuals were told the Plaintiff snatched a pocket book this was while the Plaintiff was going to the Olin Center taking L.S.A.T. classes the Defendant used someone from one of his (the Plaintiffs) classes to try and distract the Plaintiff to stop him from taking the L.S.A.T. test keeping him down but pretending to aid (underhandedness).

16.) The Plaintiff's been informed that there is an arrest warrant being held and can be issued to have him arrested.

17.) The Plaintiff has been told that they will never back off and will always be present for the rest of Plaintiff life.

18.) In January of 1998, the Plaintiff was set up to die in a fire that took place in an apartment he was put in on Decker Street in Roxbury to be murdered after the fire he was put in a mental hospital for two weeks to speak with a Psychiatrist then arrested and

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arraigned in Roxbury District Court on a charge of Arson.

19.) The Plaintiff was wrongfully imprisoned for Arson and slander was used to create prejudice just to secure a conviction everyone was told the Plaintiff's crazy in a report written by a Psychiatrist and sent into the Courtroom and every place the Plaintiff went and based on this report written everyone believed what the Psychiatrist wrote in his report and this false light, slander, libel and deformation convinced everyone the Plaintiff was guilty beyond a reasonable doubt.

20.) In the past when a Psychiatrist at Bridgewater

State Hospital labeled the Plaintiff crazy and to take medication for the rest of his life and when the Plaintiff refused a court order was sought, he was then handcuffed and injected by needle.

21.) The Plaintiff was sentenced in Roxbury District Court on the Arson charge, released after one year and then had to serve (3) three years probation (See exhibit A attached) upon release the Plaintiff went back to school and a plan was put in motion to send the Plaintiff back to prison so in March of 1999 the

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Plaintiff wrote a civil complaint and The Honorable Justice Lindsay was the presiding Justice and Judge Leary in Roxbury District Court discharged the Plaintiff from probation and dismissed the case.

22.) Once again at the present August of 2005 another plan might take place to wrongfully imprison the Plaintiff, in fact a couple of plans are in motion to destroy the plaintiff and others to imprison him and in accordance with a letter sent to the Plaintiff in December of 2004, January of 2005 or February of 2005 informing him an arrest warrent might be

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issued.

23.) In the past the Plaintiff was wrongfully imprisoned and at issue is can the Plaintiff continue with the same thing happening but different tactics and also slander and libel as evidence to produce false light and deformation all used to create prejudice just to secure a conviction.

IV. Cause Of Action:

23.) The Plaintiff was wrongfully imprisoned deprived of his right to Liberty in accordance with the due process clause of the Fourteenth

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Amendment Of The United State Constitution as applied to the State through the Fifth Amendment Of The United States Constitution.

24.) The Plaintiff has been slandered and libeled to create deformation, a false light and prejudice was used as evidence in the past to convict him of a crime the slander used was ("he's crazy") and everyone followed suit believing "he's crazy", the ban wagon effect.

25.) The Plaintiff's access to education was

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interfered with as a direct result of the defendant's actions and slander.

26.) The Plaintiff will set forth more facts and causes of action in his amended complaint which will be submitted within the next (180) one hundred and eighty days, therefore an enlargement of time is hereby requested to amend and submit a memorandum of law.

V. Prayer For Relief:

27.) Wherefore, the Plaintiff prays that this Honorable Court will grant the following Relief:

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a.) Grant a waiver of all filing fees and any other cost that might come about as a result of this action because the Plaintiff is indigent (poverty stricken);

b.) Grant a trial by jury;

c.) Grant an enlargement of time at least (180) one hundred and eighty days for Plaintiff to submit an Amended Complaint and Memorandum Of Law In Support Of The Amended Complaint.

d.) Award Plaintiff \$5,000,000.00 compensatory damages;

e.) Award Plaintiff,
\$5,000,000.00 punitive
damages;

f.) Award Plaintiff,
\$2,000,000.00 nominal
damages;

g.) Grant such other
and further relief this
Honorable Court might deem
just and proper.

Respectfully Submitted,
15/ Michael A. Josey
Michael A. Josey
325 Huntington Avenue,
Suite 59
Boston, MA 02115

Dated: August 29, 2005

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Michael A. Josey

(b) County of Residence of First Listed Plaintiff Suffolk

05 - 11787 RGS

(c) Attorney's (Firm Name, Address, and Telephone Number)

(None)

DEFENDANTS

Elizabeth Childs, M.D., et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(Unknown)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 DEF ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 DEF ☐ 4
- Citizen of Another State ☐ 2 DEF ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 DEF ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 DEF ☐ 3 Foreign Nation ☐ 6 DEF ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USCA 8 1983
Brief description of cause: Listed in Complaint & will amend.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/30/05

Michael A. Josey Pro-se

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Michael A. Josey
Pro-se, VS. Elizabeth Childs, M.D., Et. Al.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

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3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒NO ☐

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐Central Division ☐Western Division ☐

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐Central Division ☐Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Michael A. JoseyADDRESS 325 Huntington Ave., Suite 59, Boston, MA 02115TELEPHONE NO. 617-263-8525